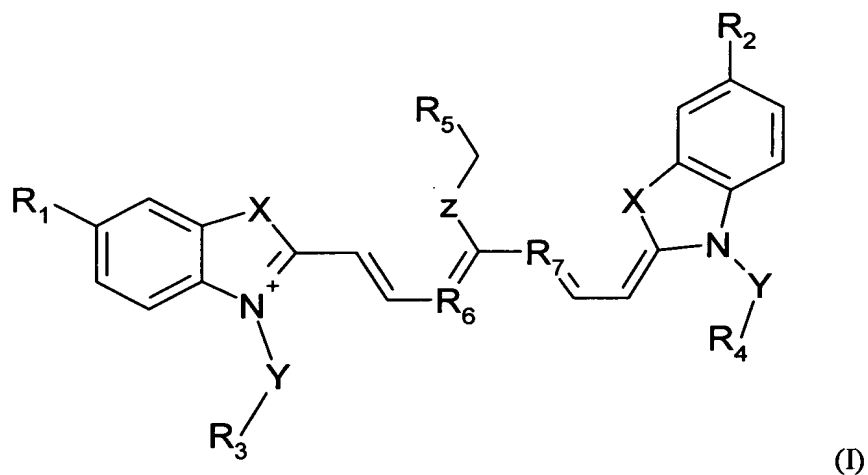


This listing of claims will replace all prior versions, and listings, of claims in the application:

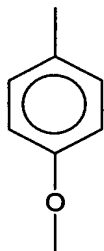
Listing of Claims:

1. (Previously Presented) An indotricarbocyanine dye of formula (I),



in which

- X is O, S or C, wherein, when X is C, it is substituted twice by methyl, ethyl, propyl, isopropyl and/or butyl,
- Y is CH₂-CH₂ or CH₂-CH₂-CH₂,
- Z is C₁ to C₅ alkyl, wherein one or more C atoms are optionally replaced by O or S, or is

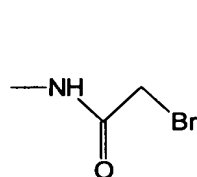


which is bound by an ethylene or a methylene bridge to R₅,

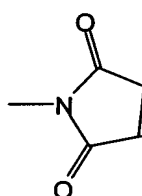
R₁ to R₄ are, independently of one another, SO₃H or H, with the proviso that at least three of R₁ to R₄ are SO₃H,

R₅ is COOH, NH₂, -CO-NH-R₈-R₉, -NH-CS-NH-R₈-R₉ or -NH-CO-R₈-R₉, in which R₈ is an unbranched C₂-C₁₃ alkyl, in which C atoms are optionally replaced by O or S,

R₉ is



or



or chloroacetyl,

bromoacetyl, iodoacetyl, chloroacetamido, iodoacetamido, chloroalkyl, bromoalkyl, iodoalkyl, pyridyl disulfide or vinyl sulfonamide,

R₆ and R₇ are CH or are connected together by a C₃-alkylene group to form a cyclohexyl, which optionally can be substituted in para-position with a C₁ to C₄-alkyl radical, or a salt thereof.

2. (Withdrawn) An indotricarbocyanine dye according to claim 1, in which

Y is CH₂-CH₂,

Z is C₁ to C₅ alkyl, wherein one or more C atoms are optionally replaced by O or S,

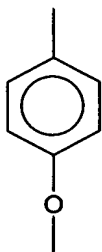
and

in which R₆ and R₇ are CH,

or a salt thereof.

3. (Withdrawn) An indotricarbocyanine dye according to claim 1, in which Z is C₁-C₅ alkyl.

4. (Previously Presented) An indotricarbocyanine dye according to claim 1, in which Z is

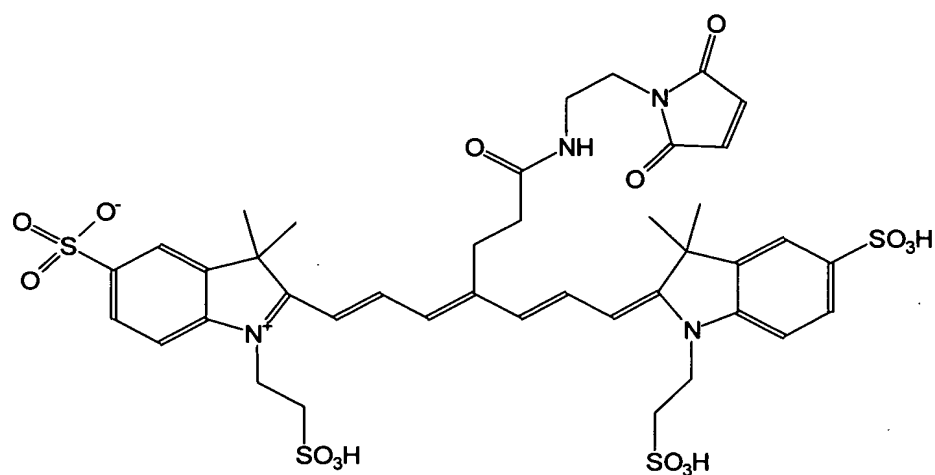


which is bound by an ethylene or a methylene bridge to R₅,

and R₆ and R₇ are connected together by a C₃-alkylene group to form a cyclohexyl.

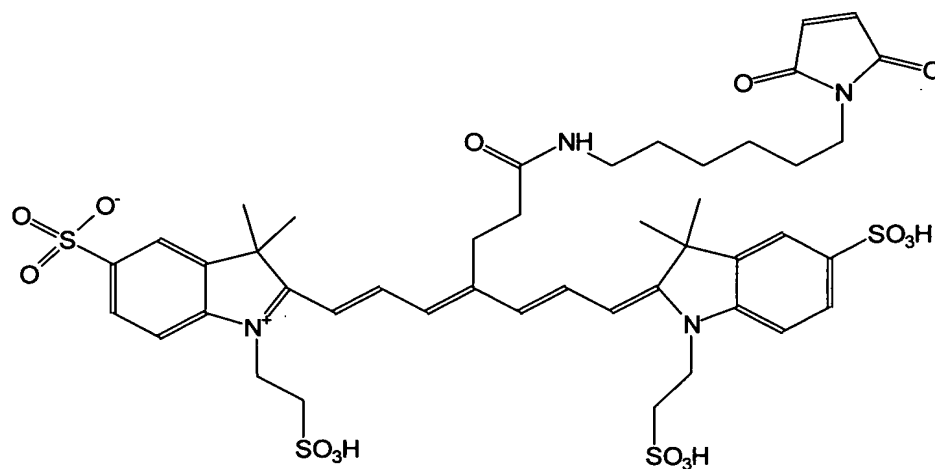
5. (Withdrawn) An indotricarbocyanine dye according to claim 1, in which R₅ is COOH or NH₂.

6. (Previously Presented) An indotricarbocyanine dye according to claim 40 of formula (II)



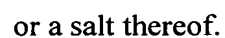
or a salt thereof.

7. (Previously Presented) An indotricarbocyanine dye according to claim 40 of formula (III)



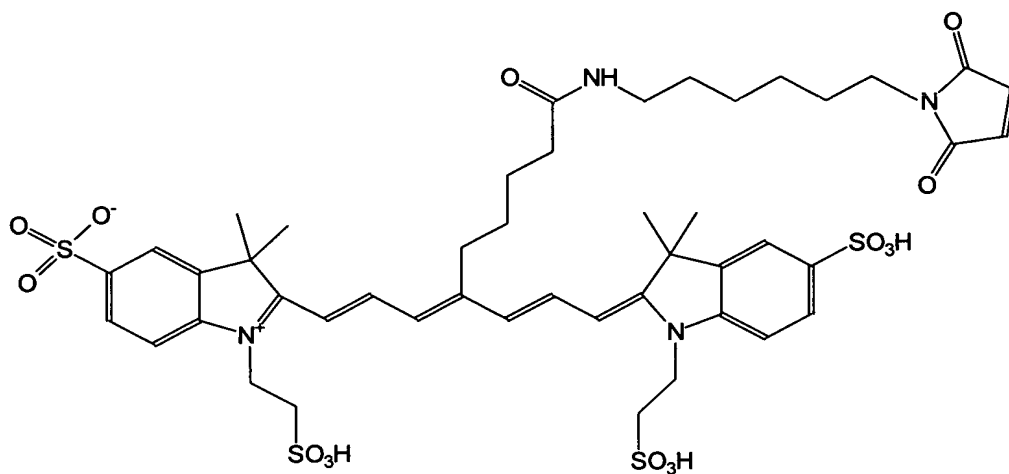
or a salt thereof.

8. (Withdrawn) An indotricarbocyanine dye according to claim 3 of formula (IV)



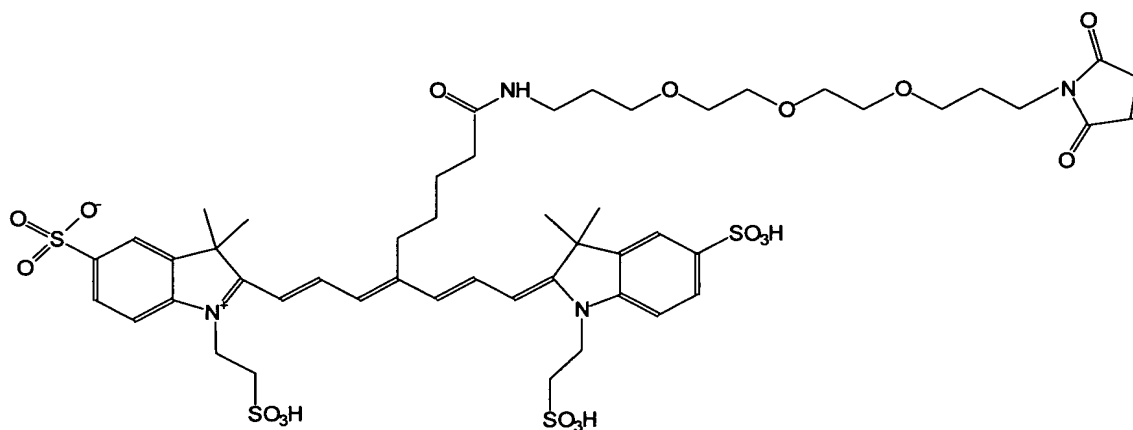
or a salt thereof.

10. (Previously Presented) An indotricarbocyanine dye according to claim 40 of formula (VI)



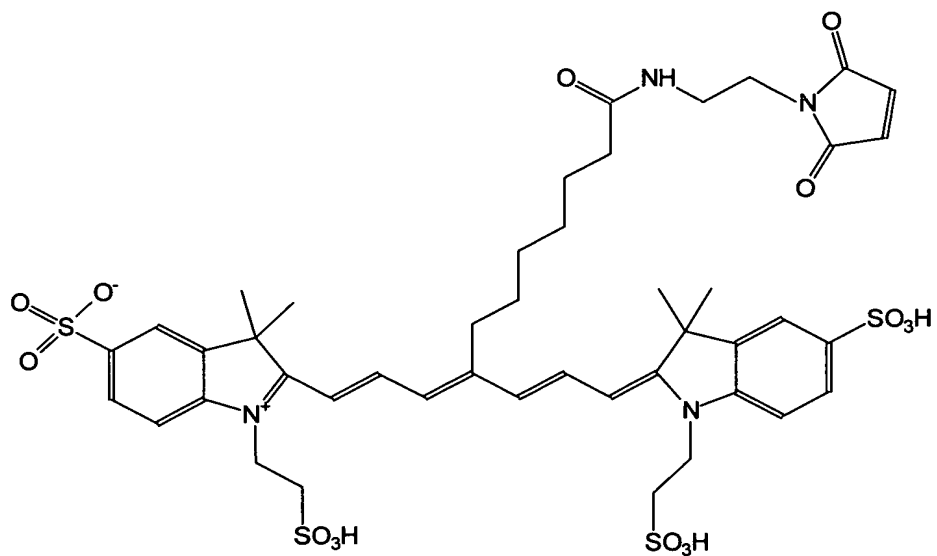
or a salt thereof.

11. (Withdrawn) An indotricarbocyanine dye according to claim 3 of formula (VII)



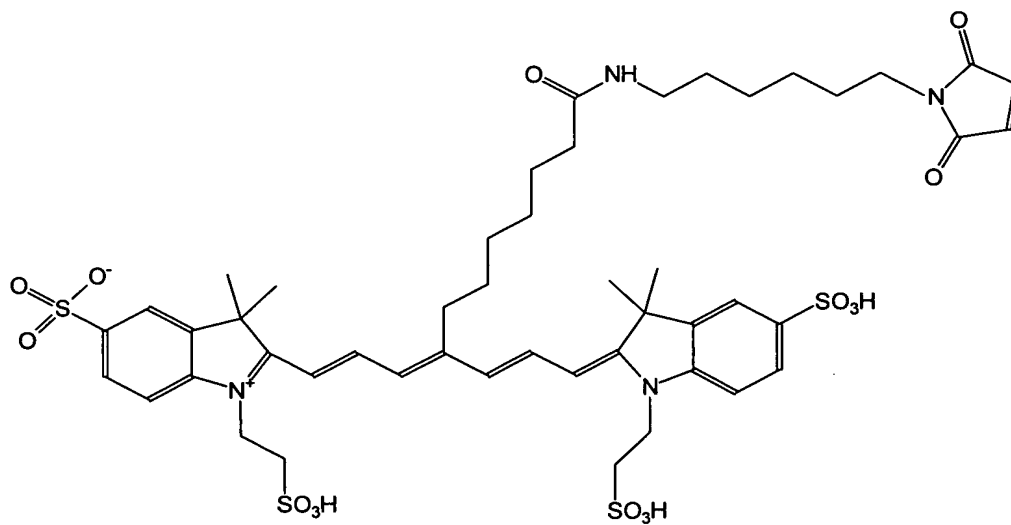
or a salt thereof.

12. (Previously Presented) An indotricarbocyanine dye according to claim 40 of formula (VIII)



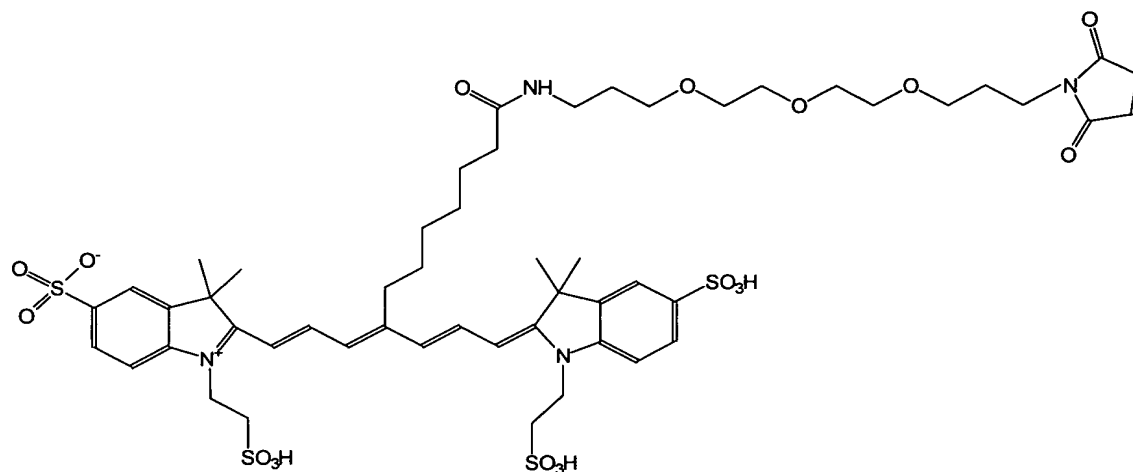
or a salt thereof.

13. (Previously Presented) An indotricarbocyanine dye according to claim 40 of formula (IX)



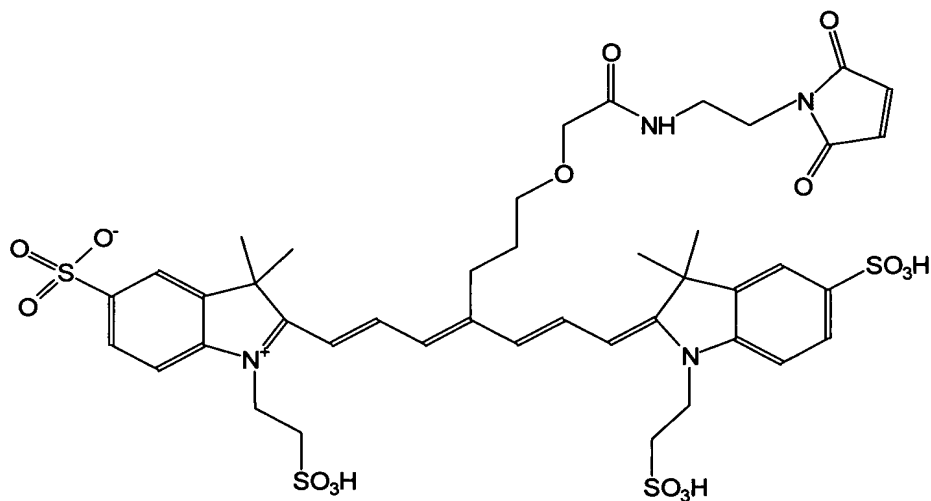
or a salt thereof.

14. (Withdrawn) An indotricarbocyanine dye according to claim 3 of formula (X)



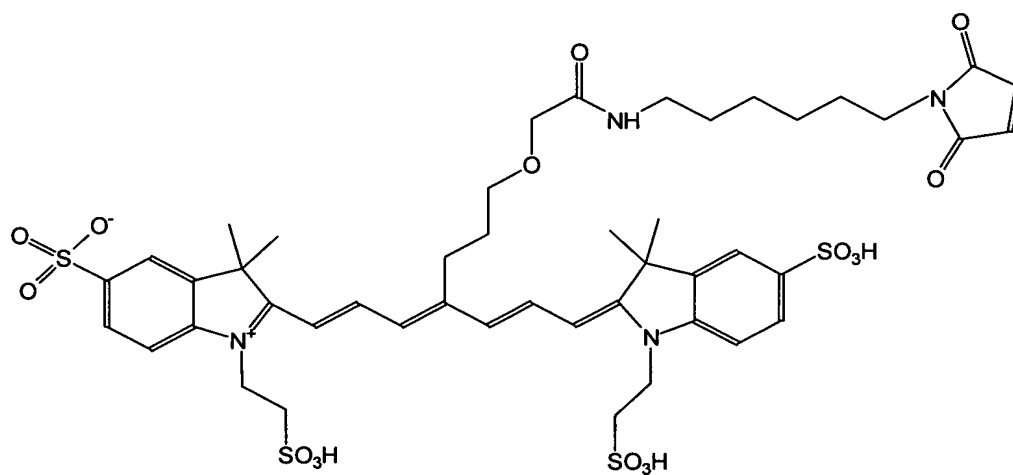
or a salt thereof.

15. (Withdrawn) An indotricarbocyanine dye according to claim 2 of formula (XI)



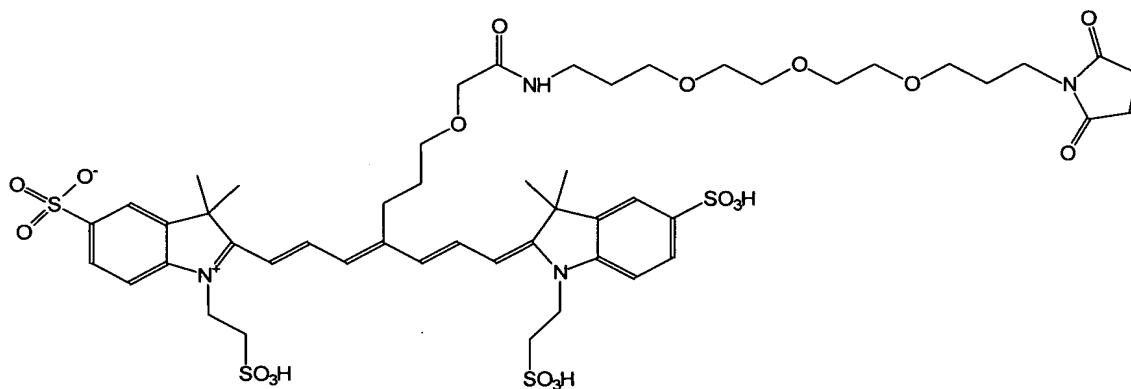
or a salt thereof.

16. (Withdrawn) An indotricarbocyanine dye according to claim 2 of formula (XII)



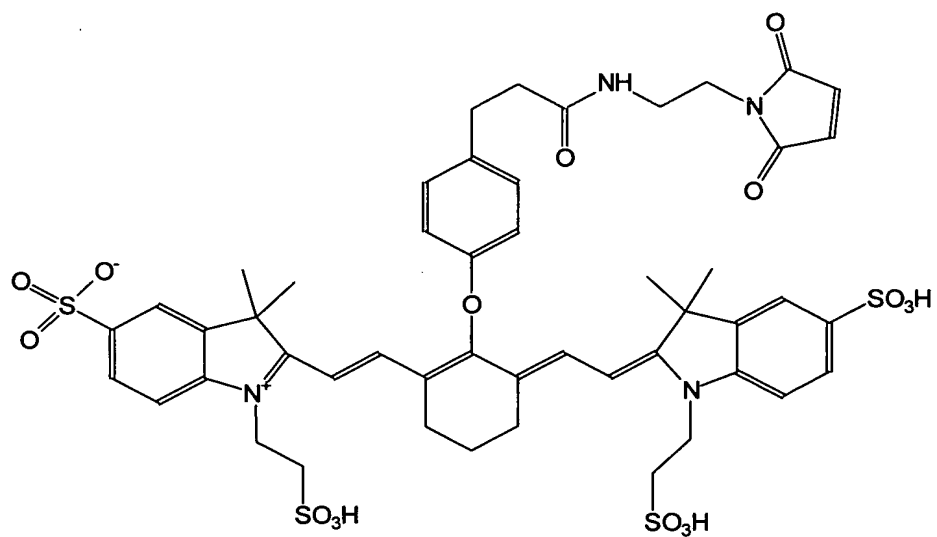
or a salt thereof.

17. (Withdrawn) An indotricarbocyanine dye according to claim 2 of formula (XIII)



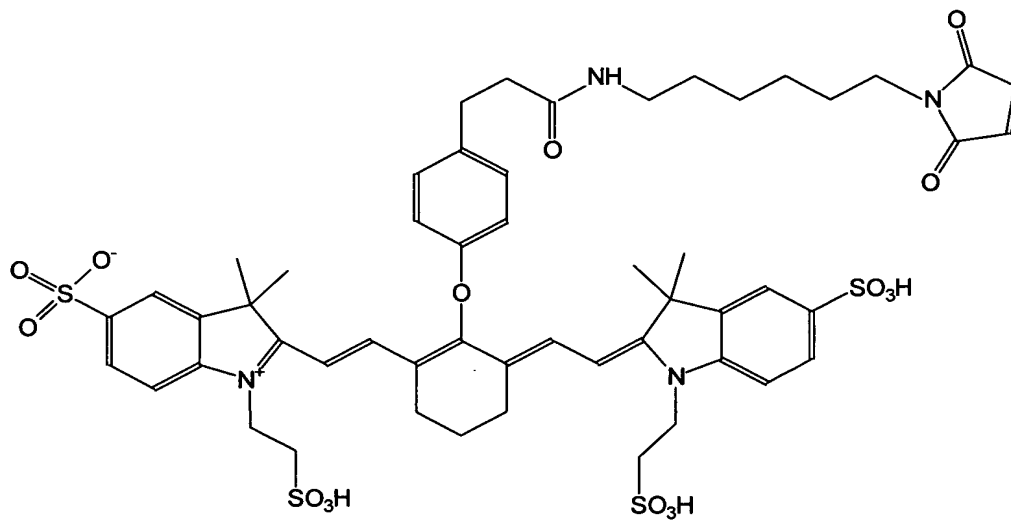
or a salt thereof.

18. (Previously Presented) An indotricarbocyanine dye according to claim 4 of formula (XIV)



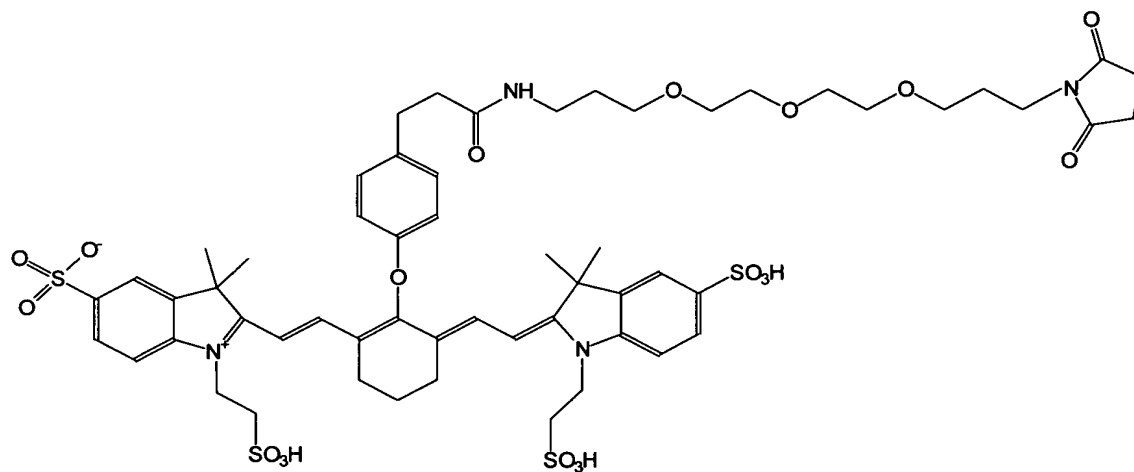
or a salt thereof.

19. (Previously Presented) An indotricarbocyanine dye according to claim 4 of formula (XV)



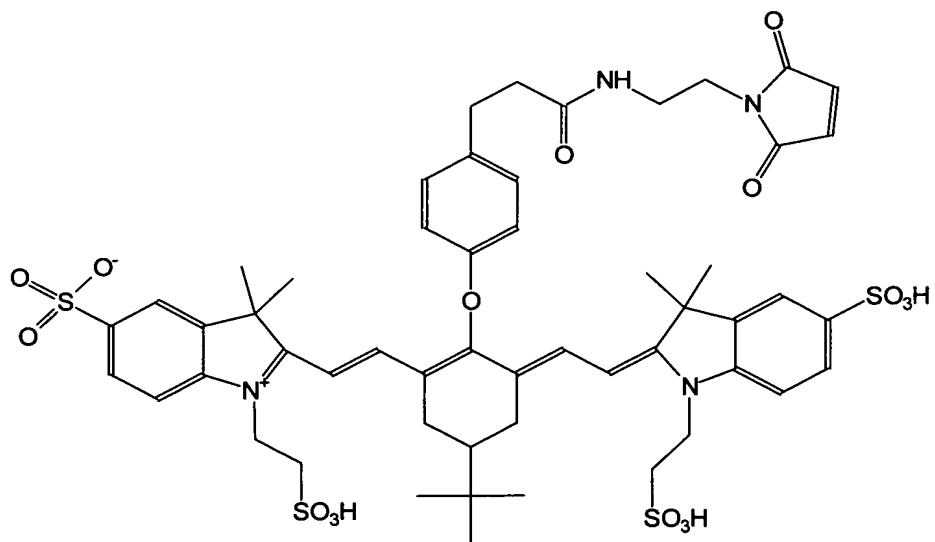
or a salt thereof.

20. (Withdrawn) An indotricarbocyanine dye according to claim 4 of formula (XVI)



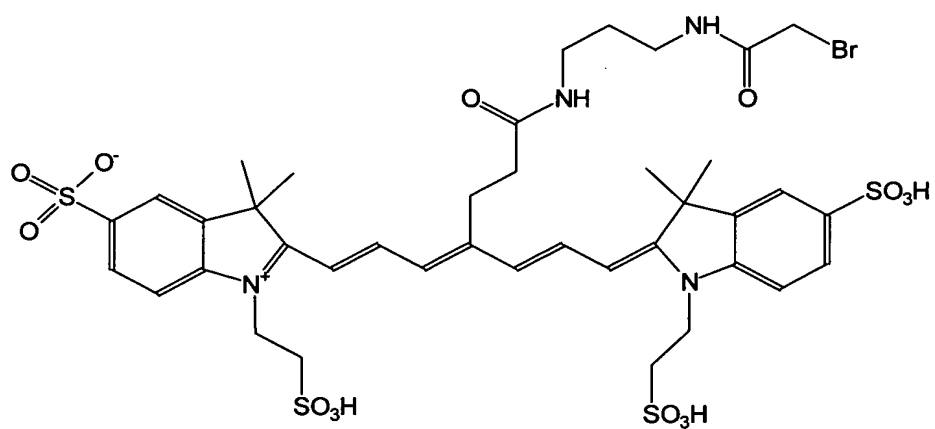
or a salt thereof.

21. (Withdrawn) An indotricarbocyanine dye according to claim 4 of formula (XVII)



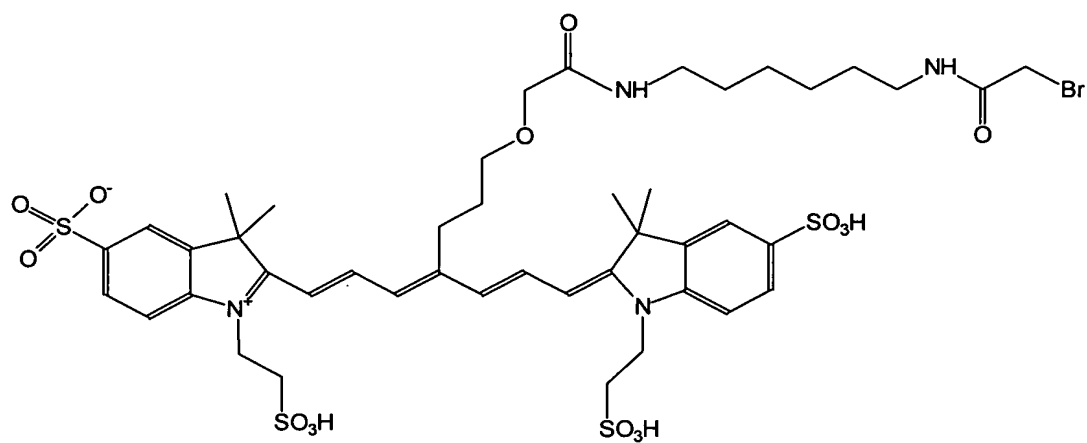
or a salt thereof.

22. (Withdrawn) An indotricarbocyanine dye according to claim 3 of formula (XVIII)



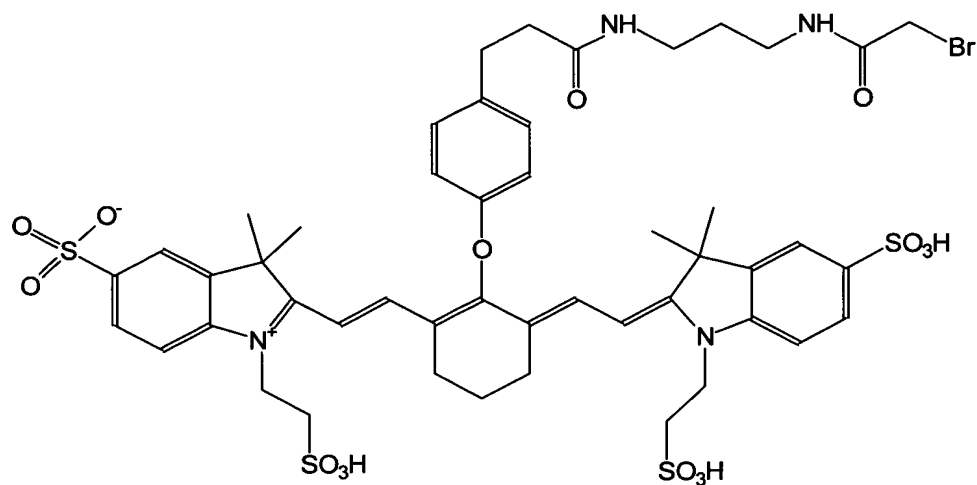
or a salt thereof.

23. (Withdrawn) An indotricarbocyanine dye according to claim 2 of formula (XIX)



or a salt thereof.

24. (Withdrawn) An indotricarbocyanine dye according to claim 4 of formula (XX)



or a salt thereof.

25. (Withdrawn) A process for preparing an indotricarbocyanine dye according to claim 1, comprising

- preparing a 4-substituted pyridine,
- converting the 4-substituted pyridine in a *meso*-substituted glutaconaldehyde-dianilide into a cyanine dye by a Zincke-König reaction, and
- obtaining a *meso*-substituted glutaconaldehyde-dianilide.

26-32. (Cancelled)

33. (Withdrawn) A diagnostic kit comprising an indotricarbocyanine dye according to claim 1 together with an adjuvant that is suitable for implementing an *in-vivo* diagnosis of a tumor.

34. (Cancelled)

35. (Previously Presented) A solvate of a compound of claim 1, which comprises a compound of formula I in combination with a solvent molecule.

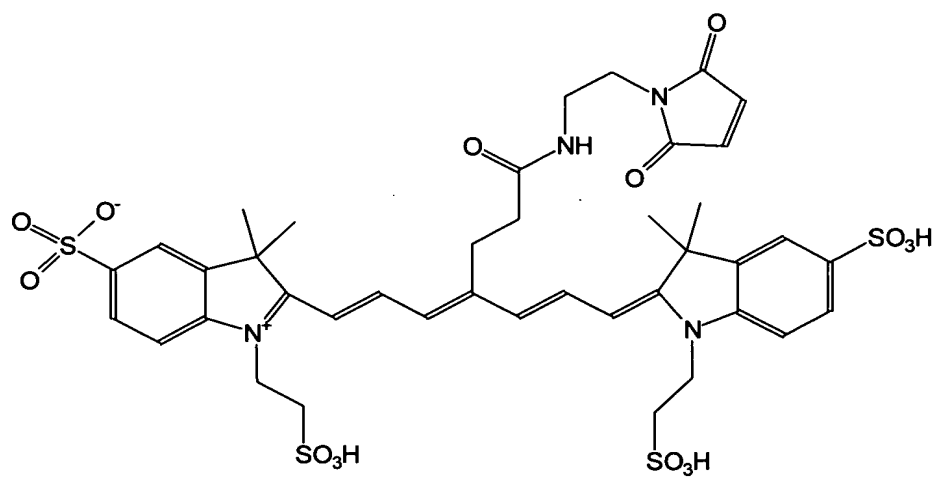
36. (Withdrawn) An indotricarbocyanine dye according to claim 1, wherein X is C.

37. (Withdrawn) An indotricarbocyanine dye according to claim 1, wherein X is C and is substituted in two places by methyl.

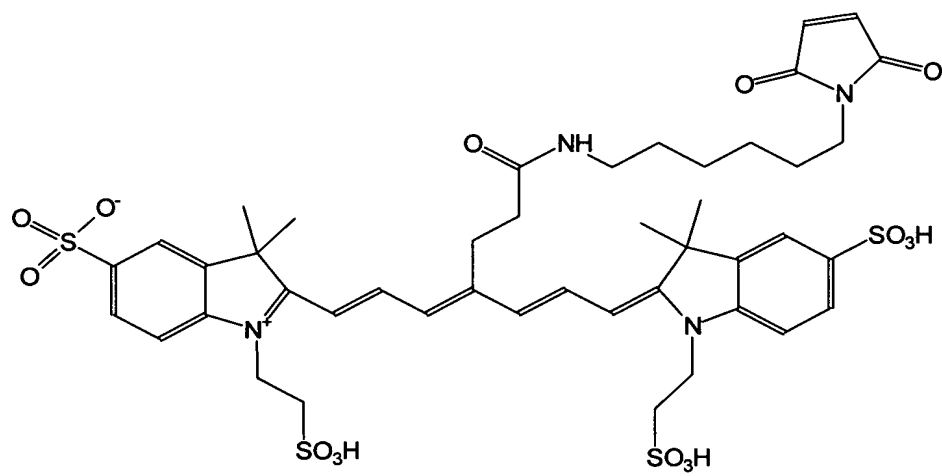
38. (Withdrawn) An indotricarbocyanine dye according to claim 1, wherein Z is C₁ to C₅ alkyl.

39. (Withdrawn) An indotricarbocyanine dye according to claim 1, wherein Z is C₁ to C₅ alkyl in which one or more C atoms are replaced by O.

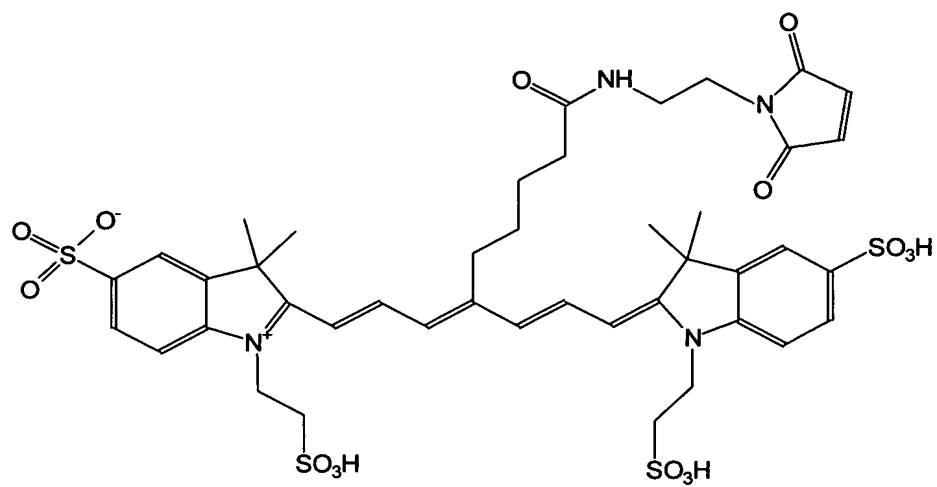
40. (Previously Presented) An indotricarbocyanine dye of formula (II)



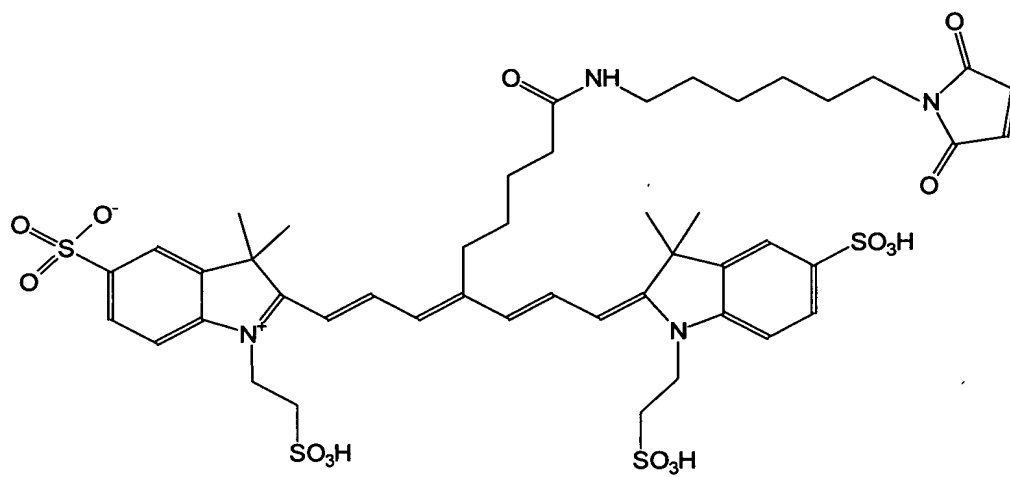
or of formula (III)



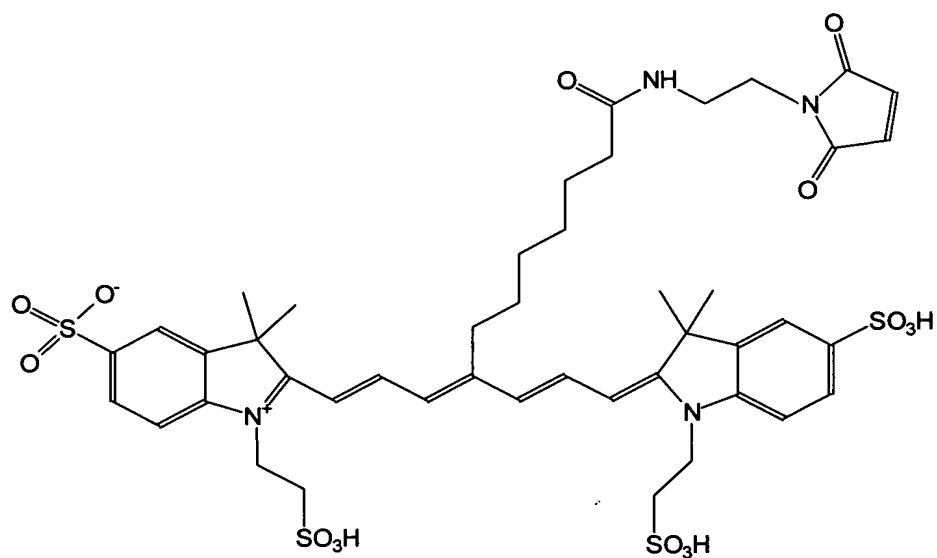
or of formula (V)



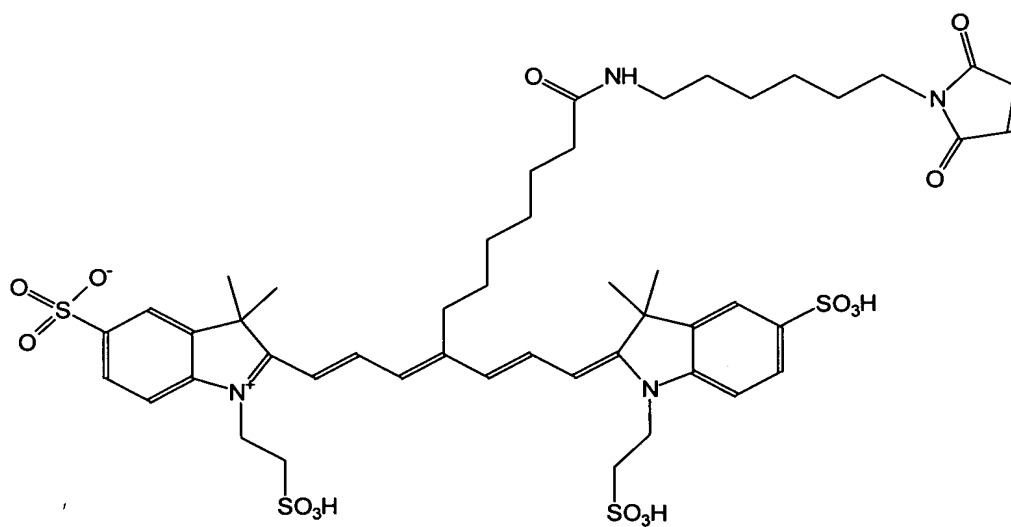
or of formula (VI)



or of formula (VIII)



or of formula (IX)



or a salt thereof.

41. (Currently Amended) A solvate of a compound of claim 40 ~~41~~, which comprises a compound of formula II, III, V, VI, VIII or IX in combination with a solvent molecule.